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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/733,568 | 12/12/2003 | Satoshi Kojima | 03500.017762. | 8616 |
| 5514 7590 04/23/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | EXAMINER DOTE, JANIS L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1756 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 30 DAYS | | 04/23/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/733,568

Examiner

Janis L. Dote

Applicant(s)

KOJIMA ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 22 February 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
 - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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1. The reply filed on Feb. 22, 2007, is not fully responsive to the prior Office Action because of the following omissions or matters:

(1) Applicants' response to the objection to the drawings set forth in the *Ex parte Quayle* action mailed on Dec. 20, 2006, paragraph 7, does not overcome the objection for the following reason:

The drawing sheet of Figs. 1 and 2, filed on Feb. 22, 2007, is not acceptable and has not been entered because it does not comply with 37 CFR 1.121, for the reasons set forth in the attached form PTOL-324, Notice of non-compliant amendment. Namely, the drawing sheet is not properly identified in the top margin as a "Replacement Sheet."

(2) The amendment to the specification filed on Feb. 22, 2007, is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure is as follows:

(a) The amended paragraph beginning at page 34, line 6, of the instant specification, identifying the reference characters **5113**, **5114**, and **5120** in Fig. 5, as a "heater" for heating the supports, a "source gas feed pipe," and a "high frequency power

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source" that is connected to the reactor via a high-frequency matching box, respectively.

(b) The amended paragraph beginning at page 34, line 20, of the specification, identifying the reference character **5123** in Fig. 5 as a "conductive supporting stand" where the cylindrical supports **6112** are set and are connected to the ground.

(c) The amended paragraph beginning at page 34, line 26, of the specification, identifying the reference character **5118** and **5116** in Fig. 5 as a "main valve" to open to evacuate the insides of the reactor **6110** and "gas feed pipe" **5116**.

(d) The amended paragraph beginning at page 35, line 17, identifying the reference character **5119** in Fig. 5 as a "vacuum gauge" that is read to indicate a pressure of 0.5 mPa.

(e) The amended paragraph beginning at page 36, line 5, identifying reference character **5117** in Fig. 5 as a "leak value."

The originally filed specification does not identify or define those Fig. 5 reference characters identified in the amended paragraphs. There does not appear to be any disclosure in the originally filed specification that those reference characters in Fig. 5 have the same identify and function as those used in Fig. 6. The originally filed specification at page 33, lines 11-19, discloses that Fig. 5 illustrates a radio-

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frequency (RF) plasma-assisted CVD deposition apparatus that uses an RF band high frequency power source, while Fig. 6 illustrates a VHF plasma-assisted CVD deposition apparatus that uses a VHF powder source having a high frequency than the RF band. For example, the originally filed specification at page 38, lines 22-23, states that in the RF plasma-assisted CVD shown in Fig. 5, the "pressure is kept at approximately from 13.3 PA to 1,330 Pa, which is little higher than that in the VHF plasma-assisted CVD process." However, as discussed in item (d) above, the amended paragraph beginning at page 35, line 17, identifies the reference character **5119** in Fig. 5 as a "vacuum gauge" that is read to indicate a pressure of 0.5 mPa.

Applicants have not indicated where in the originally file specification there is antecedent basis for the identities or definitions of those reference characters in Fig. 5 disclosed in the amended paragraphs filed on Feb. 22, 2007.

Applicants are required to cancel the new matter in the reply to this Office Action.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in

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order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD

Apr. 18, 2007

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------|---|------------------------|
| In re Application of: |) | |
| SATOSHI KOJIMA, ET AL. |) | Examiner: J. L. Dote |
| Application No.: 10/733,568 |) | Group Art Unit: 1756 |
| Filed: December 12, 2003 |) | Confirmation No.: 8616 |
| For: ELECTROPHOTOGRAPHIC |) | |
| PHOTOSENSITIVE MEMBER AND |) | February 20, 2007 |
| PROCESS FOR PRODUCING THE |) | |
| SAME |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF REPLACEMENT SHEET OF DRAWINGS

Sir:

Enclosed, in accordance with U.S. Patent and Trademark Office Practice, is a Replacement Sheet of Figures 1 and 2. Figure 2 has been labelled as --PRIOR ART--. Approval of the Replacement Sheet is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SDM/vmm

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